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Magistrate Judge S. Kate Vaughan

JUL 17 2023

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff

CASE NO. MJ23-358

v.

JACK ALLEN ROBERSON,
Defendant.

COMPLAINT for VIOLATION

18 U.S.C. Section 2244(b); and
49 U.S.C. Sections 46506(1)

BEFORE, S. Kate Vaughan, United States Magistrate Judge, U. S. Courthouse,
Seattle, Washington.

The undersigned complainant being duly sworn states:

COUNT 1
(Abusive Sexual Contact)

On or about July 16, 2023, within the special aircraft jurisdiction of the United States, that is, while aboard Delta Air Lines Flight 452, an aircraft in flight traveling nonstop from Atlanta, Georgia, to SeaTac, King County, Washington, within the Western District of Washington and elsewhere, JACK ALLEN ROBERSON did knowingly and

1 intentionally engage in sexual contact with Victim 1 (a juvenile), that is, touch Victim 1's
2 inner thigh and groin, without Victim 1's permission and with the intent to abuse,
3 humiliate, harass, degrade, and arouse and gratify the sexual desire of any person.

4 All in violation of Title 18, United States Code, Section 2244(b) and Title 49
5 United States Code, Section 46506(1).

6 And the complainant states that this Complaint is based on the following
7 information:

8 I, Oliver Cunningham, being first duly sworn on oath, depose and say:

9 **INTRODUCTION**

10 1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and
11 have been so employed since January 2021. I presently am assigned to work at the
12 Seattle Headquarters office. I am currently assigned to the Safe Streets Task Force and
13 am responsible for investigating violent crimes; including gangs, kidnappings, crimes
14 aboard aircraft, and crimes on the high seas. I am currently designated as an Airport
15 Liaison Agent (ALA) for violent crime for the SeaTac International Airport (SEA). Per
16 United States Code, Title 49, Section 46506, Special Aircraft Jurisdiction of the United
17 States, the FBI has been designated as the law enforcement agency responsible for
18 investigating crimes that occur onboard an aircraft once the doors have closed post
19 boarding, including interference with a flight crew, or any physical or sexual assault.
20 Moreover, I am an "investigative or law enforcement officer of the United States" within
21 the meaning of Title 18, United States Code, Section 2510(7), that is, an officer of the
22 United States who is empowered by law to conduct investigations of, and to make arrests
23 for, offenses enumerated in Title 18, United States Code, Section 2516.

24 2. I am a graduate of the Federal Bureau of Investigation Basic Field Training
25 Course. During this 21-week training, I received training in interviewing and
26 interrogation techniques; arrest procedures; search and seizure; and surveillance
27 techniques. Prior to this employment, I obtained a Bachelor of Arts in Spanish and
Government and Legal Studies and a Masters of Arts in International Relations. I have

1 five years' experience working in non-profit organizations in international development
2 and four years' experience managing projects and programs for private companies.
3 During my career with the FBI, I have had training and experience investigating violent
4 crimes against persons and crimes against the government. As an Airport Liaison Agent,
5 I have been involved in several investigations involving offenses occurring in the special
6 aircraft jurisdiction and the special maritime and territorial jurisdiction of the United
7 States, including physical and sexual assaults.

8 3. This affidavit is made based upon my personal knowledge, training,
9 experience and investigation, as well as upon information provided to me and my review
10 of reports prepared by other law enforcement personnel. This affidavit is made for the
11 purpose of establishing probable cause for this Complaint and thus does not include each
12 and every fact known to me concerning this investigation.

12 SUMMARY OF PROBABLE CAUSE

13 4. I have reviewed reports, documents, and statements related to events that
14 occurred on July 16, 2023, aboard Delta Air Lines flight 452 Atlanta to SeaTac.
15 According to the reports, documents, and statements I reviewed, Delta Air Lines flight
16 452 left Atlanta, Georgia en route to SeaTac, Washington, within the Western District of
17 Washington on July 16, 2023.

18 5. Victim 1, whose full name is known to me but not included here because
19 Victim 1 is a juvenile and this is a public filing, boarded flight 452 and took her seat in
20 row 17. Victim 1, who is 15 years old, was travelling with her guardian, J.F, and J.F's
21 12-year-old daughter, K.R. When Victim 1 boarded the plane, ROBERSON was already
22 sitting in the aisle seat 17D. J.F told him that he was in the wrong seat, and ROBERSON
23 moved to 17F, the window seat. Victim 1 sat in the middle seat next to ROBERSON in
24 17E, on his left hand side, with K.R in the aisle seat on her left.

25 6. Victim 1 told investigators that shortly after departure, ROBERSON
26 dropped his headphones and Victim 1 retrieved them for him, and ROBERSON said
27

1 “Thank you, I don’t know what I would do without you”. Victim 1 stated
2 ROBERSON had two drinks on the flight and then appeared to fall asleep. While he
3 appeared asleep, ROBERSON’s pinky touched the outside of her bare thigh for
4 approximately two minutes. Victim 1 assumed this was accidental touching because
5 ROBERSON was asleep. Several minutes later, Roberson placed his hand on Victim
6 1’s leg, and slowly moved his hands up her thigh, and under her skirt, close to her
7 genitals. Victim 1 stated ROBERSON kept his hand in a fixed position under her skirt
8 for approximately two minutes before she got up and told J.F. Victim 1 did not give
9 ROBERSON permission to touch her.

10 7. Special Agent Minh Truong talked to J.F on the telephone. J.F stated that
11 she was notified by Victim 1 of the incident. Victim 1 notified her when K.R got up to
12 go to the bathroom. Victim 1 told J.F that the man next to her touched her. J.F then
13 switched seats with Victim 1. Once J.F was seated between Victim 1 and ROBERSON,
14 Victim 1 told J.F. that ROBERSON touched her under her skirt. J.F then contacted the
15 flight crew, who re-seated ROBERSON.

16 8. Port of Seattle Police Officer M. Donahue spoke with Delta flight attendant
17 Essie Gardner. Gardner reported that she was contacted by an adult female passenger
18 travelling with two juvenile passengers. The female passenger reported that the adult
19 male seated next to her “niece” had touched her niece’s leg and put his hand under her
20 skirt. Gardner then moved the adult male passenger to another seat.

21 9. Investigators interviewed ROBERSON after the flight landed. According to
22 ROBERSON’s statements to investigators, during the flight, ROBERSON had two
23 double vodka tonics. Later, ROBERSON stated he had had up to eight additional drinks
24 at the airport before the flight and did not have any food. At some point, ROBERSON
25 dropped his headphones, and Victim 1 picked them up and handed them back to him.
26 ROBERSON said “thank you” approximately four times and patted Victim 1’s bare skin
27 on her leg on each occasion. ROBERSON then went to sleep. Approximately two hours

1 later the woman in 17D (J.F) switched seats with Victim 1, and then the flight attendants
2 re-seated ROBERSON.

3 CONCLUSION

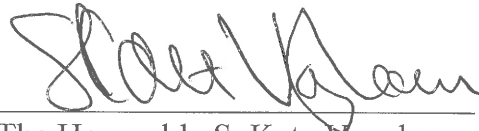
4 10. Based on the aforementioned facts, I respectfully submit that there is
5 probable cause to believe that JACK ALLEN ROBERSON committed the offense of
6 Abusive Sexual Contact, in violation of Title 18, United States Code, Section 2244(b)
7 and Title 49, United States Code, Section 46506(1).

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10 OLIVER CUNNINGHAM, Complainant
11 Special Agent, FBI

12 Based on the Complaint and Affidavit sworn to before me, and subscribed in my
13 presence, the Court hereby finds that there is probable cause to believe the Defendant
14 committed the offenses set forth in the Complaint.

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16 Dated this 17th day of July, 2023.

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19 The Honorable S. Kate Vaughan
20 United States Magistrate Judge
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